REMARKS

I. Status of the Application

Claims 1-9 are currently pending in the present application.

Claims 1-9 stand rejected under 35 USC § 103(a) as being unpatentable over by USPN 5,956,716 to Kenner et al. (hereinafter, Kenner '716) in view of USPN 6,567,847 (hereinafter Inoue '847).

Claim 1 is amended herewith, and claim 10 is added without the introduction of new matter. Reconsideration of claims 1-9, and consideration of new claim 10 is respectfully requested.

Amendments to the Claims:

Applicant now amends claim 1 to further clarify aspects of the present invention. In a first amendment, the preamble is amended to clarify that the exchange of multimedia data occurs between a requesting master (buyer) and a selected one of a plurality of catchers (potential sellers):

> "A method of exchanging multimedia data between one master and a selected one of a plurality of catchers over an electronic network of computing devices"

Support for this amendment, as well as the following amendments, is found in the original recitation of claim 1, and illustrated in exemplary embodiments of the inventions as noted in the Summary section of the specification on page 3, lines 12-25, and on page 17, lines 8-10.

Claim 1 is also amended to clarify that the master tenders a request for multimedia data to a plurality of catchers:

"the master preparing at least one tender for requesting multimedia data of interest and submitting said tender to a plurality of catchers"

Claim 1 is further amended to clarify that one or more catchers acquire and upload the requested multimedia data responsive to receiving the tender from the master: "in response to receiving said tender for said requested multimedia data, one or more of the plurality of catchers acquiring and uploading said requested multimedia data to the exchange"

Claim 1 is additionally amended to clarify that the master selects one from the uploaded sets of multimedia data by downloading the chosen multimedia data from the exchange:

"the master selecting one from among said one or more of the uploaded multimedia data by downloading said selected multimedia data from the exchange"

Further, claim 1 is amended to clarify that the catchers' recited process of acquiring the requested multimedia data includes recording the multimedia data responsive to a request included within the master's request:

"wherein each of the one or more of the plurality of catchers acquiring and uploading said requested multimedia data to the exchange records said multimedia data responsive to a request included within said tender submitted by said master and uploads said recorded multimedia data to said exchange."

The recitation of claim 1 is intended to cover embodiments of the invention in which: (i) only one catcher/seller responds to the master's/buyer's request, that request communicated to a plurality of catchers/sellers, or (ii) two or more catchers respond to the master's request communicated to a plurality of catchers/sellers. Claim 10 is added to recite the particular limitation of (ii) in which two or more catchers/sellers respond to the

master's/buyers request. Support for claim 10 is found in the specification, for example in the Summary section on page 3, lines 18-25.

Rejections under 35 USC §103(a)

Pending claims 1-9 stand rejected under 35 USC 103(a) as being anticipated by Kenner '716 in view of Inoue '847. Applicant respectfully traverses this rejection in view of the foregoing amendments and following remarks.

The present invention is directed to a buyer-driven system in which the buyer (i.e., master) makes an initial request for particular multimedia data to two or more potential acquirers and sellers of that multimedia data. Once in receipt of that request, the potential sellers (i.e., catchers) undertake to acquire/record the requested data, and upload it to the master. The master then selects a particular one of the uploaded data sets, downloading the selected multimedia data set. This system permits the retrieval of buyer-requested media which may not be normally accessible, for example the actual conditions of a particular vacation spot, as opposed to a more glamorized media segment promoted by the location's hotel. The invention finds particular utility in instances in which the requested media would be otherwise difficult to obtain, for example, a master obtaining the visual condition of the master's residence, or the crowd level at a particular venue.

In contrast to the present invention in which the buyer (master) tenders a request for particular subject matter to be filled by potential sellers, Inoue '847 describes a seller-driven system in which a seller provides for sale, pre-defined subject matter to potential buyers. Inoue '847 does not show or suggest a system in which: (i) the buyer (master) transmits a request for particular media to multiple sellers (catchers) of that media, or (ii) the sellers of that media (catchers) recording and uploading the requested media in response to receiving the buyer's request. In contrast, the seller in Inoue '847 offers buyers the subject matter which the seller decides upon, independent of any input from the buyer. Indeed, Inoue '847 does not teach any means or processes by which a potential buyer's request for any particular subject matter could be handled or acted upon, nor is the composition of the recorded media informed in anyway by a request from a buyer. Accordingly, neither of the aforementioned features (i) "the master preparing at least one tender for requesting multimedia data of interest and submitting said tender to a plurality of catchers," nor (ii) "in response to receiving said tender for said requested multimedia data,

one or more of the plurality of catchers acquiring and uploading said requested multimedia data to the exchange" are shown or suggested.

Claim 10 is further patentable over Inoue '847, as the latter does not disclose a system whereby multiple potential sellers (catchers) upload buyer(master)-requested media for potential sale, or the feature of a buyer (master) selecting between multiple sets of uploaded multimedia as recited therein.

The aforementioned deficiencies are not made up by any of the remaining references of record. USPN 5,247,670 to Matsunaga describes a server in a network for performing services according to requests for service from clients on the network, and does not teach or suggest the aforementioned feature of a catcher recording requested data for uploading to a requesting party/master. USPN 6,341,304 to Engbersen et al. presents a method and implementing computer system in which data requests are kept track of in terms of the number of times the same data or site request is presented, and does not address the aforementioned feature of a catcher recording requested data for upload to a requesting party/master. USPN 6,785,704 to McCanne presents a content distribution system for operation over an internetwork, and similarly does not teach the aforementioned feature of a catcher recording requested data for upload to a requesting party/master.

USPN 6,226,672 to DeMartin et al. discloses a process, whereby a student uploads a collection of audio tracks, from which an expert compiles content providing information about a particular genre of music, the compilation including an expert-defined playlist of songs from the student's uploaded collection, as well as audio/video segments the expert selects to accompany the compiled playlist (col. 4, line 25 to col. 5, line 30).

The present invention is distinguished from DeMartin '672 as the DeMartin system does not teach, and would not be operable in an environment in which requested multimedia was communicated to a plurality of sellers/catchers, as recited in claim 1. DeMartin '672 teaches a system whereby the seller is the sole providing party in the transaction. No showing or suggestion occurs as to the transmission of the request to multiple sellers/catchers. Claim 10 is further patentable over DeMartin '672, as the latter

does not show or suggest the recited features of the buyer receiving multiple sets of the requested media, and selecting one from among the multiple sets of requested media.

Newly cited PCT published application WO 01/01276 (Lazarus '276) discloses an informational and commercial transactional network operable to facilitate exchanges between consumer-users (masters) and commercial provides (catchers). The publication also discloses a seller-driven system, and does not show or suggest the aforementioned feature of a master/buyer preparing and transmitting a request for multimedia data to multiple catchers/sellers. Nor does Lazarus '276 show or suggest the recited feature of a seller (catcher), responsive to a received request from a buyer (master), recording and uploading that requested multimedia data to the buyer for potential sale thereto. Claim 10 is further distinguished and patentable, as Lazarus '276 does not show or suggest the buyer receiving multiple sets of the requested multimedia, and selecting one from among the multiple sets.

Accordingly, as none of the references, either individually or collectively, show or suggest the features (i) and (ii) as noted above, claim 1 is inventive thereover. Remaining claims 2-10 are dependent from claim 1, and accordingly each is allowable thereover for at least the same reasons. Claim 10 is further novel and patentable over the cited art, as none, separately or together, show or suggest the feature of a buyer/master receiving multiple sets of the requested multimedia, and the buyer selecting one from among the received sets. Accordingly claim 10 is patentable in view of the cited art.

Conclusion

In view of the foregoing, it is respectfully submitted that the grounds for the Examiner's rejections have been overcome and the pending claims should be found to be in condition for allowance.

Respectfully submitted,

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